

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JULIA HUBBARD and KAYLA GOEDINGHAUS,	§	
	§	
Plaintiffs,	§	Case No. 5:23-cv-00580-FB
	§	
v.	§	
	§	
TRAMMELL S. CROW, JR., DR. BENJAMIN TODD ELLER, RICHARD HUBBARD, DR.	§	Judge: Hon. Fred Biery
MELISSA MILLER, DR. JOSEPH BOLIN, DR. SCOTT WOODS, DR.	§	Date Action Filed: May 8, 2023 (transferred)
MRUGESHKUMAR SHAH, MICHAEL CAIN, COE JURACEK, PHILIP ECOB, H.J.	§	
COLE, TEXAS RANGER CODY MITCHELL,	§	
KURT KNEWITZ, PAUL PENDERGRASS,	§	
RALPH ROGERS, ROBERT PRUIT, SCOTT	§	
BRUNSON, CASE GROVER, RICHARD	§	
BUTLER, MARC MOLINA, MICHAEL	§	
HYNES, JR., SHAWN MAYER, JADE	§	
MAYER, RCI HOSPITALITY HOLDINGS, INC., INTEGRITY BASED MARKETING,	§	
LLC, STORM FITNESS NUTRITION, LLC,	§	
ULTRA COMBAT NUTRITION, LLC,	§	
ECOLOFT HOMES LLC, ELEVATED	§	
WELLNESS PARTNERS LLC, DOE	§	
INDIVIDUALS 1–20, and DOE COMPANIES 21–30	§	
Defendants.	§	
	§	

**[PROPOSED] ORDER GRANTING TRAMMELL S. CROW'S MOTION TO COMPEL
AMENDED RESPONSES TO INTERROGATORIES AND
AWARD EXPENSES INCURRED IN BRINGING THE MOTION**

**[PROPOSED] ORDER GRANTING TRAMMELL S. CROW'S
MOTION TO COMPEL FURTHER RESPONSES TO
INTERROGATORIES AND FOR EXPENSES**

THE COURT, having considered Trammell S. Crow's Federal Rule of Civil Procedure 37(a)(3)(B)(iii) motion for an order compelling plaintiffs Julia Hubbard and Kayla Goedinghaus to provide amended responses to interrogatories, Mr. Crow's request for an award of expenses in connection with bringing his motion to compel, and plaintiffs' responses thereto, ORDERS as follows:

The Court finds that plaintiffs' interrogatory responses were not served within the 30-day deadline of Federal Rule of Civil Procedure 33(b)(2), that there was no agreement between the parties for an extension to serve later than 30 days and no extension was ordered by the Court. Accordingly, the Court finds that plaintiffs waived all objections to the interrogatories, including claims of attorney-client privilege and work product. The Court further finds that plaintiffs have not shown good cause for their untimely interrogatory responses. Plaintiffs are therefore ORDERED to serve amended responses to all of the interrogatories, without objections.

The Court further finds that plaintiffs Julia Hubbard and Kayla Goedinghaus did not answer interrogatories 1, 2, 4, 8, 11 and 14 separately and fully in writing under oath. Therefore, the Court ORDERS plaintiffs to answer separately and fully in writing interrogatories 1, 2, 4, 8, 11 and 14. Plaintiffs' answers to these interrogatories shall include all information in plaintiffs' possession, custody or control or known by their agents, including their counsel in this matter. The amended responses shall address each part of each interrogatory to the extent the information is available to plaintiffs; information that is not within their personal knowledge but is otherwise known to them shall be identified as such. The responses shall be verified and signed by each plaintiff.

Having granted Mr. Crow's motion to compel, the Court must award Mr. Crow the reasonable expenses, including attorney's fees, he incurred in bringing his motion, unless one of

the exceptions in Rule 37(a)(5)(A)(i)-(iii) applies. The Court, having determined that no such exception applies, ORDERS plaintiffs Julia Hubbard, Kayla Goedinghaus and their counsel of record in this matter pay Mr. Crow, jointly and severally, expenses in the amount of \$_____.

Plaintiffs and their counsel shall comply with this ORDER within ten calendar days of the hereof.

Dated: _____

Magistrate Judge Elizabeth Chestney